

ILLINOIS POLLUTION CONTROL BOARD
March 4, 2021

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 21-56
)	(Enforcement - NPDES, Water)
VILLAGE OF ROBBINS, a municipal)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On January 8, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Village of Robbins (Robbins). The complaint concerns Robbins' small municipal separate storm sewer system (MS4). Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Robbins violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2018)) and Section 309.102(a) of the Board's water pollution regulations 35 Ill. Adm. Code 309.102(a)) by failing to timely renew its National Pollutant Discharge Elimination System (NPDES) MS4 permit and continuing to discharge stormwater into its MS4 without a permit and by causing or tending to cause water pollution. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 8, 2021, simultaneously with the People's complaint, the People and Robbins filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily Southtown* on January 24, 2021. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Robbins' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Robbins admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Robbins agrees to pay a civil penalty of \$10,052 within 30 days after the date of this order. The People and Robbins have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement. However, any modification of the stipulation and proposed settlement made by the parties will not be incorporated into this Board order and will not be enforceable under the Environmental Protection Act (415 ILCS 5 (2018)) unless accepted by the Board in a subsequent order.]
2. Village of Robbins (Robbins) must pay a civil penalty of \$10,052 no later than April 5, 2021, which is the first business day following the 30th day after the date of this order. Robbins must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Robbins must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Robbins must send a copy must send a copy of the certified check, or money order and any transmittal letter to:

Karen W. Howard
Assistant Attorney General
Environmental Bureau Illinois
Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

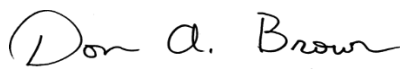
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. Robbins must cease and desist from future violations of the Act and Board regulations that were the subject matter of the Complaint

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2018); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Karen Howard Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington Street, Suite 1800 Chicago, IL 60602 KHoward@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, IL 60601
Amanda Kimmel Assistant Counsel, Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 Amanda.Kimmel@illinois.gov	
Felicia Frazier ODELSON, STERK, MURPHEY, FRAZIER & McGRATH, LTD. 3318 West 95th Street Evergreen Park, IL 60805 ffrazjcr@osmfin.com	
Keith Freeman Village Administrator Village of Robbins 3327 W. 137 th Street Robbins, IL 60472 kfreeman@robbins-il.corr	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 4, 2021, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board